

REMARKS

The outstanding issues in the instant application are as follows:

- Claim 32 is rejected under 35 U.S.C. §112, second paragraph.
- Claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 are rejected under 35 U.S.C. §102(e).
- Claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 are rejected under 35 U.S.C. § 103(a).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 9-13 and 23-64 are pending in this application.

I. REJECTIONS UNDER 35 U.S.C. § 112

Applicant believes that the full version of claim 32 was filed in the Preliminary Amendment that accompanied this continuation application. Claim 32, in Applicant's copy of the filed paperwork, breaks over pages 3 and 4 of said Preliminary Amendment. However, as the Examiner maintains that he does not have the full copy of claim 32, Applicant has provided amendment markings in claim 32, thus, "amending" claim 32 to its intended original version. Support for this amendment can be found in original claims 9-13, 23-31, and 33-64, and throughout the Specification. No new matter was added.

II. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60 are rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 5,848,396 to Gerace (hereinafter *Gerace*).

In the Examiner's Response to Arguments with regard to Applicant's remarks filed on January 5, 2006, he states that *Gerace* discloses the limitation of claims 9, 23, 32, 43, and 54, which requires dynamic manifestation or dynamic display because he is allowed the broadest possible interpretation of "dynamic." Final Office Action, p. 7. The Examiner quotes from the pending Specification for examples of Applicant's use in the context of the various described embodiments of the claimed invention. The Examiner even quotes to the specific definition of "dynamic manifestation" and "dynamic display" that Applicant recites in the Specification. Final Office Action, p. 7. However, in reaching his conclusions with regard to

Gerace, the Examiner did not interpret “dynamic manifestation” and “dynamic display” according to the specific definition provided by Applicant.

In construing claim language, the words of a claim “must be given their plain meaning unless applicant has provided a clear definition in the specification.” *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989). Therefore, the Examiner’s attempt to broaden the interpretation of “dynamic” to include the teaching of *Gerace* is improperly ignoring the reasonable interpretation of the claim language. The “dynamic” portion of *Gerace* includes the program controller 79 using the user profiling member 73 to select a particular advertising or screen view to generate and transmit to the user for display. Col. 4, lns 56-64 and Col. 5, lns 15-25. This teaching is not the same as “a content manifestation area configured to dynamically manifest advertising content received from an advertising content source via an electronic data network,” as required by claim 9, and similar limitations as disclosed in claims 23, 32, 43, and 54. Therefore, *Gerace* does not teach each and every limitation of claims 9-11, 23-25, 32, 34-38, 43, 45-49, 54, and 56-60. The Examiner is, thus, respectfully requested to withdraw his rejections.

III. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Gerace* in view of teachings known to one of ordinary skill in the art.

As noted above, *Gerace* fails to teach the dynamic manifestation and dynamic display as required in claims 9, 23, 32, 43, and 54. The Examiner does not offer obviousness to cure this deficiency nor has the Examiner offered any additional references which he alleges teach such a limitation. Therefore, *Gerace* does not teach or even suggest each and every limitation of claims 12, 13, 26-31, 33, 39-42, 44, 50-53, 55, and 61-64. The Examiner is, thus, respectfully requested to withdraw his rejections.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 065164/P007C1/10613699 from which the undersigned is authorized to draw.

Dated: January 4, 2007

Respectfully submitted,

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